

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN GEORGE NORTH,

Defendant.

Case No. CR05-5470FDB

ORDER DENYING PLAINTIFF'S
PROPOSED USE OF "404(b)
EVIDENCE"

Before the court is a letter dated October 20, 2005, submitted by Plaintiff's counsel to Defendant's counsel immediately prior to the regularly scheduled pre-trial conference, advising of five prior "bad acts" that Plaintiff intends to use at trial pursuant to Fed.R.Evid. 404(b). Plaintiff's trial brief was due (after a continuance of the parties' deadline for submission) on October 17, 2005. Plaintiff's trial brief was filed late despite the continuance and included no reference to the five incidents.

ACCORDINGLY,

IT IS ORDERED:

- (1) The five prior incidents¹ described in the letter of October 20, 2005 shall be excluded from trial because the introduction of the proposed evidence does not meet the requirements of Fed.R.Evid. 404(b). The evidence is also excluded as untimely.

DATED this 20th day of October, 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

¹Plaintiff's intent to offer evidence for impeachment purposes, as referenced in its letter, is not the subject of this Order and the court reserves judgment on its admissibility.